

Remarks

Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 1-9 and 11-25 in condition for allowance or materially reducing the number of issues for appeal. Applicants submit that the proposed amendments of claims 1, 11, 16 and 20-23 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were expressly or inherently recited by the claims as earlier examined.

Upon entry of the foregoing amendments, claims 1-9 and 11-25 are pending in the application, with claims 1, 16, 18 and 22 being the independent claims. Claims 1, 11, 16 and 20-23 are sought to be amended and claim 10 is sought to be canceled without prejudice to or disclaimer of the subject matter therein. Claims 1 and 11 have been amended to include the limitation of claim 10. Claims 16 and 22 have been amended so that they are in independent form and include the limitations of claim 1. Claim 23 has been amended to change its dependency to claim 22. Claims 20 and 21 have been amended to correct obvious typographical errors. These changes are believed to introduce no new matter, and their entry is respectfully requested. Support for the amendments can be found in the original specification and claims as originally filed.

Based on the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 103 (claims 1-25)

Claims 1-25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kempe (U.S. Patent No. 5,514,789) in view of Lyttle *et al.* (*Nucleos. Nucleot.*, 18:1809-1824 (1999)) for reasons already made of record and notwithstanding Applicants' traversal. *See* Final Office Action, page 2, line 14 through page 4, line 15. *See also* Advisory Action page 2, lines 1-31. Applicants respectfully traverse this rejection.

However, solely to expedite the prosecution of the pending claims and not in acquiescence to the rejection, Applicants have amended claim 1, to recite gaseous ammonia vapors, and canceled claim 10.

Lyttle teaches away from using reagents such as gaseous ammonia, the reagent used in Kempe, for the removal reaction. It is improper to combine references in a rejection under 35 U.S.C. § 103(a) where the references teach away from their combination. *In re Grasselli*, 713 F.2d 731, 743 (Fed. Cir. 1983). Lyttle teaches that reagents harsher than aqueous ammonium hydroxide, *e.g.* gaseous ammonia, are a limitation in the removal process, which should be avoided. Since Lyttle teaches that mild reagents such as aqueous ammonium hydroxide, are sufficient for removal, one would not have been motivated to experiment with harsher reagents, such as gaseous ammonia. Since one of ordinary skill in the art would not have been motivated to use gaseous ammonia, it would not have been obvious to use gaseous ammonia at the time the present invention was made. Applicants respectfully submit the rejection under 103(a) is improper and request that it be withdrawn.

Additionally, Applicants' undersigned representative participated in a telephonic interview with the Examiner on November 6, 2003. In the interview, the Examiner suggested claims 1-25 could be made allowable if claim 1 recited gaseous ammonia vapors.

In view of the above, reconsideration and withdrawal of the rejection of claims 1-9 and 11-25 under 35 U.S.C. § 103(a) are respectfully requested.

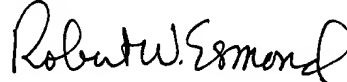
Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt entry and favorable consideration of this Amendment and Reply, and allowance of all pending claims, are respectfully requested.

Respectfully submitted,

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